

In the Claims:

A marked-up version of the amended claim showing changes made is attached as Appendix A.

A clean version of all the claims is attached as Appendix B.

Please amend claim 68 as follows:

B<sup>1</sup>  
68. (Amended) An apparatus for amplifying nucleic acids comprising a capillary reaction vessel surrounded by a heatable metal layer wherein the layer is coated on the capillary reaction vessel.

**REMARKS**

Claims 36-41 and 68 are pending in the application. Claims 42-67 have been withdrawn from consideration pursuant to a Restriction Requirement. Claim 68 has been amended. Support for the amendment can be found in the specification, for example, page 9, line 2. No new matter has been added.

Figure 4 is objected to as it contains a subtitle in the non-english language. Figure 4 has been amended to remove the non-english language subtitle. A copy of Figure 4 with the change highlighted in red and a clean copy of Figure 4 is attached hereto.

Claim rejections pursuant to 35 USC § 112

Claims 36-41 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point-out and distinctly claim the subject matter which applicants regard as their invention. According to the Examiner, the claims are vague and indefinite because they recite a "binding space," an "amplification space," and